

snare, that this report was able to be produced. I could not be happier that we made it public while Senator ROCKEFELLER remains a Member of this body and has the chance to participate in this.

I join Chairman FEINSTEIN in recognizing the exceptional work of the Intelligence Committee staff: David, Dan, Alissa—who is not with us any longer. I thank you for mentioning Andrew Grotto, who was my staff member, who worked on this report. I feel we have done a very good thing here. I appreciate very much in particular Senator MCCAIN coming forward. He brings a unique moral perspective and force to this conversation. He has wielded that moral perspective and force with great courage.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, the Senate, at 1:11 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

#### MORNING BUSINESS

The PRESIDING OFFICER. Who yields time?

If no one yields time, time will be equally charged to both sides.

The Senator from Georgia.

#### SSCI STUDY OF THE CIA'S DETENTION AND INTERROGATION PROGRAM

Mr. CHAMBLISS. Madam President, I rise today as the vice chairman of the Senate Select Committee on Intelligence to respond to the public release of the declassified version of the executive summary and findings and conclusions from the committee's study of the CIA's detention and interrogation program.

This is not a pleasant duty for me. During my 4 years as the vice chairman of the Intelligence Committee, I have enjoyed an excellent relationship with our chairman, Senator DIANNE FEINSTEIN. We have worked closely to conduct strong bipartisan oversight of the U.S. intelligence community, including the passage and enactment of significant national security legislation. However, this particular study has been one of the very, very few areas where we have never been able to see eye-to-eye.

Putting this report out today is going to have significant consequences. In addition to reopening a number of old wounds both domestically and internationally, it could be used to incite unrest and even attacks against our servicemembers, other personnel overseas, and our international partners. This report could also stoke additional mistreatment or death for

American or other Western captives overseas. It will endanger CIA personnel, sources, and future intelligence operations. This report will damage our relationship with several significant international counterterrorism partners at a time when we can least afford it. Even worse, despite the fact that the administration and many in the majority are aware of these consequences, they have chosen to release the report today.

The United States today is faced with a wide array of security challenges across the globe, including in Afghanistan, Pakistan, Syria, Iraq, Yemen, north Africa, Somalia, Ukraine, and the list goes on. Instead of focusing on the problems right in front of us, the majority side of the Intelligence Committee has spent the last 5 years and over \$40 million focused on a program that effectively ended over 8 years ago, while the world around us burns.

In March 2009, when the committee first undertook the study, I was the only member of the Intelligence Committee who voted against moving forward with it. I believed then, as I still do today, that vital committee and intelligence community resources would be squandered over a debate that Congress, the executive branch, and the Supreme Court had already settled. This issue has been investigated or reviewed extensively by the executive branch, including criminal investigations by the Department of Justice, the Senate Armed Services Committee, the International Committee of the Red Cross, as well as other entities.

Congress has passed two separate acts directly related to detention and interrogation issues—specifically, the Detainee Treatment Act of 2005 and the Military Commissions Act of 2006. The executive branch terminated the CIA program and directed that future interrogations be conducted in accordance with the U.S. Army Field Manual on Interrogation. Also, the Supreme Court decided *Rasul v. Bush* in 2004, *Hamdi v. Rumsfeld* in 2004, *Hamdan v. Rumsfeld* in 2006, as well as *Boumediene v. Bush* in 2008, all of which established that detainees were entitled to habeas corpus review and identified certain deficiencies in both the Detainee Treatment Act and the Military Commissions Act.

By the time I became the vice chairman, the minority had already withdrawn from active participation in the study as a result of Attorney General Holder's decision to reopen the criminal inquiry related to the interrogation of certain detainees in the CIA's detention program. This unfortunate decision deprived the committee of the ability to interview key witnesses who participated in the CIA program and essentially limited the committee's study to the review of a cold documentary record. Now, how can any credible investigation take place without interviewing witnesses? This is a 6,000-page report, and not one single witness was

ever interviewed in this study being done. This is a poor excuse for the type of oversight the Congress should be conducting.

There is no doubt that the CIA's detention and interrogation program—which was hastily executed in the aftermath of the worst terrorist attack in our Nation's history—had flaws. The CIA has admitted as much in its June 27, 2013, response to the study. There is also no doubt that there were instances in which CIA interrogators exceeded their authorities and certain detainees may have suffered as a result. However, the executive summary and findings and conclusions released today contain a disturbing number of factual and analytical errors. These factual and analytical shortfalls ultimately led to an unacceptable number of incorrect claims and invalid conclusions that I cannot endorse.

The study essentially refuses to admit that CIA detainees—especially CIA detainees subjected to enhanced interrogation techniques—provided intelligence information which helped the U.S. Government and its allies to neutralize numerous terrorist threats. On its face, this refusal does not make sense given the vast amount of information gained from these interrogations, the thousands of intelligence reports that were generated as a result of them, the capture of additional terrorists, and the disruption of the plots those captured terrorists were planning.

Instead of acknowledging these realities, the study adopts an analytical approach designed to obscure the value of the intelligence obtained from the program. For example, the study falsely claims that the use of enhanced interrogation techniques played “no role” in the identification of Jose Padilla because Abu Zubaydah, a senior member of Al Qaeda with direct ties to Osama bin Laden, provided the information about Padilla during an interrogation by FBI agents who were “exclusively” using what is called “rapport-building” techniques against him more than 3 months prior to the CIA's “use of DOJ-approved enhanced interrogation techniques.” What the study ignores, however, is the fact that Abu Zubaydah's earlier interrogation in April of 2002 actually did involve the use of interrogation techniques that were later included in the list of enhanced interrogation techniques. Specifically, the facts demonstrate that Abu Zubaydah was subjected to “around the clock” interrogation that included more than 4 days of dietary manipulation, nudity, and more than 126 hours—which is about 5 days—of sleep deprivation during a 136-hour period by the time the FBI finished up the 8.5-hour interrogation shift in which Abu Zubaydah finally yielded the identification of Jose Padilla. So during a 5-day time period, Abu Zubaydah got less than 10 hours of sleep, yet the majority does not acknowledge that this was an enhanced interrogation. In light of these facts,

the study's claims that the FBI was exclusively using "rapport-building" techniques is nothing short of being dishonest.

More important, the actionable intelligence gleaned from the enhanced interrogation of Abu Zubaydah that started in April of 2002 served as the foundation for the capture of additional terrorists and the disruption of the plots those captured terrorists were planning. His information was also used to gather additional actionable intelligence from these newly captured terrorists, which in turn led to a series of successful capture operations and plot disruptions. By the study's own count, the numerous interrogations of Abu Zubaydah resulted in 766 sole-source disseminated intelligence reports. That is an awful lot of actionable intelligence collected under the CIA program that this study tries to quietly sweep under the carpet in an effort to support its false headline that the CIA's use of enhanced interrogation techniques was not effective.

The study also overlooks several crucial intelligence successes that prevented terror attacks against the United States and our allies around the world. Al Qaeda-affiliated extremists subjected to the program's enhanced interrogation techniques made admissions that led to the identification of the man responsible for plotting the September 11 attacks, Khalid Shaikh Mohammed, or KSM.

The program also helped stop terrorist attacks in the U.S. homeland and against our military forces overseas. Al Qaeda affiliate Abu Zubaydah's statements to interrogators led to the identification of Jose Padilla—an Al Qaeda operative tasked with conducting a terrorist attack inside the United States. The interrogation of KSM and Guleed Hassan Ahmed disrupted Al Qaeda's plotting against Camp Lemonier in Djibouti, a critical base of operations in the war on terror in Africa and at that time home to some 1,600 U.S. military personnel. There is no telling how many lives this program saved in those particular interrogations alone.

Intelligence gathered under the detention and interrogation program also prevented terrorist attacks on our allies in the United Kingdom. Terrorist plots against London's Heathrow Airport and Canary Wharf—a major London financial center—were disrupted because key conspirators were apprehended and questioned on the basis of intelligence gathered using several interrogation techniques, including enhanced interrogation techniques.

Finally, information from detainees held in the program was critical to ascertaining the true significance of Abu Ahmed al-Kuwaiti, the Al Qaeda facilitator who served as Osama bin Laden's personal courier and the man who ultimately lead CIA intelligence analysts and the Navy Seals to bin Laden himself.

For anyone interested in a nice, chronological survey of the significant

intelligence gained from the program and how it was used to capture additional terrorists and disrupt terrorist plots, I would invite my colleagues to read two pages of our minority views. Pages 96 and 97 delineate exactly a chronology of significant intelligence that allowed for the takedown of individuals.

It seems as though the study takes every opportunity to unfairly portray the CIA in the worst light possible, presupposing improper motivations and the most detestable behavior at every turn. The very enemies whom the program helped keep at bay for all of those years, as well as adversarial nations, will be able to exploit what is essentially a dangerously insightful and instructive treasure trove of information about our intelligence operations. I am all for pointing out and correcting problems with the intelligence community and I have been very outspoken on some of them, but I prefer our oversight be conducted quietly and in a manner that does not jeopardize the national security of the United States.

Ultimately, our minority views examined eight of the study's most problematic conclusions, many of which attack the CIA's integrity and credibility in developing and implementing the program. These problematic claims and conclusions created the false impression that the CIA was actively misleading policymakers and impeding the counterterrorism efforts of other Federal Government agencies during the program's operation. We found these claims and conclusions were largely not supported by the documentary record and were based upon flawed reasoning.

Specifically, we found that:

No. 1, the CIA's detention and interrogation program was effective and produced valuable and actionable intelligence.

No. 2, most of the CIA's claims of effectiveness with respect to the use of EITs were accurate.

No. 3, the CIA attempted to keep the Congress informed of its activities and did so on a regular basis. As a member of the committee, I can attest to that.

No. 4, the CIA did not impede White House oversight. The White House was very involved in doing oversight of the program.

No. 5, the CIA was not responsible nor did it have control over sharing or dissemination of information to other executive branch agencies or to members of the Principals Committee.

No. 6, many of the study's claims about the CIA providing inaccurate information to the Department of Justice were themselves totally inaccurate.

No. 7, the CIA did not significantly impede oversight by the CIA Office of the Inspector General.

No. 8, the White House determined that the CIA would have the lead on dealing with the media regarding detainees.

These findings are not meant as a defense of the CIA. The CIA is fully capa-

ble of defending its own actions, and I know it will do so. Rather, these findings are a critique of certain aspects of this particular study. As a general rule, I want our committee findings, conclusions, and recommendations to be unassailable in every investigation we conduct. Unfortunately, that didn't happen, and I am very concerned about the unintended consequences that will result from the study's erroneous and inflammatory conclusions.

I imagine some members of the media may choose to repeat the study's false headlines contained in the report without checking the underlying facts. By doing so they will only be damaging their own credibility. I invite anyone who reads the study's executive summary and findings and conclusions to pay particular attention to how often the text uses absolutes, such as "played no role," "no connection" or "no indication." Please then read our minority views to find the clear counter examples that disprove most of these absolute claims. I suspect the readers who make this effort will be disappointed, as I was, that this study makes so many inaccurate claims and conclusions.

Our minority views also explain how this study was crippled by numerous procedural irregularities that hampered the committee's ability to conduct a fair and objective review of the CIA's detention and interrogation program. These procedural defects resulted in a premature committee vote in December of 2012 to approve the study before the text was adequately reviewed by the committee membership or subjected to a routine fact check by the intelligence community.

Typically, once a Senate committee report has been approved, staff are only authorized to make technical and conforming changes. The executive summary and findings and conclusions released this week have undergone such extensive and unprecedented revisions since the study was approved back in December of 2012 that the traditional concept of technical and conforming changes has now been rendered meaningless. Amazingly, the majority made significant changes in the substance of the study for months after it was voted on by the committee. In addition, after we submitted our minority views, the majority staff then went back and made a few changes to specifically correct some of the more blatant errors that we identified in the views and that the CIA identified in their review. While I am pleased our views led to some minor improvements in the study, those untimely changes required us to add text explaining the validity of our initial conclusions and criticisms. Simply put, the documents released today are very different from the documents that were approved almost exactly 2 years ago by the committee at the end of the last Congress on a partisan basis.

Another significant weakness of this study is its disregard of the context

under which the CIA's detention and interrogation program was developed. It is critical to remember that the intelligence community was inundated by a surge of terrorist threat reporting after the September 11 attacks. The fear of a follow-on attack was pervasive, and it was genuine. The Nation was traumatized by the horrific murders of nearly 3,000 Americans and at the CIA there was no greater imperative than stopping another attack from happening. This context is entirely absent from the study.

In addition, everyone must remember that the CIA was directed to conduct this program by the President. I have spoken with a number of CIA officers over the years who remember the contentious debates about the program at the time it was being considered, but at the end of the day the Agency did what the President directed them to do under the color of law and based upon opinions issued and updated by the Department of Justice.

Many of my colleagues continue to discuss the brutality of many of the enhanced interrogation techniques. I agree that waterboarding, which only occurred against three detainees, is particularly severe. Many of the other techniques were not. By comparison, KSM, who was one of the detainees who was subjected to waterboarding, personally beheaded Wall Street Journal reporter Daniel Pearl, and a number of other U.S. citizens have been tortured and beheaded by Al Qaeda-inspired groups since.

In my opinion, the current threat level posed by ISIL and other Al Qaeda-affiliated terrorist groups may be greater today than what we faced prior to the 9/11 terrorist attacks. They are better funded, better equipped, and have recruited hundreds of terrorists who have American as well as European passports. ISIL terrorists are using social media to encourage new recruits to conduct "lone wolf" attacks in their home countries such as the United States. They are murdering and beheading captured hostages and planning terrorist attacks against U.S. citizens.

In light of these significant threats, the President is still attempting to make good on a misguided campaign promise to close down Guantanamo Bay. It doesn't seem to matter to him that we are now down to the worst of the worst or that his own review groups have strongly recommended against the release of these remaining terrorists. Instead, he has returned to the pre-9/11 practice of treating terrorists like ordinary criminals. We are reading terrorists their Miranda rights instead of conducting extended intelligence interrogations to develop actionable intelligence that might lead to additional captures or plot disruptions.

I think we would be better off if we were to return to a mindset where we attempt to capture the enemy and use authorized interrogation techniques to

obtain the actionable intelligence information needed to neutralize these dangerous terrorist organizations. While there is no doubt there were indeed moments during the CIA detention and interrogation program where interrogators exceeded their authorized limits, such instances were relatively few and far between.

In this, my last week of service on the floor of the U.S. Senate and as the vice chairman of the Intelligence Committee, I wish to thank the men and women of the CIA and the rest of the intelligence community and the members of our Armed Forces who have served us so well since the 9/11 terrorist attacks. Their efforts and their sacrifices have not gone unnoticed. I will be forever grateful for their patriotic service to our beloved country. May God bless them all and may God bless the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

#### TRIBUTES TO MIKE JOHANNNS

Mr. McCAIN. Madam President, I come to the floor to praise the public service of and bid farewell to my friend and valued colleague from Nebraska, Senator MIKE JOHANNNS.

With my remarks, I celebrate not just MIKE's last 6 years in the Senate but also his 30-plus years in public service that will culminate with the end of this term.

At the highest levels of government in both the legislative and executive branches, MIKE's life of public service has been punctuated by great accomplishment. From the Lancaster County Board in Nebraska to the Lincoln City Council, from his service as mayor of Lincoln to his service as the 38th Governor of Nebraska, from his service as the 28th U.S. Secretary of Agriculture and throughout his tenure in the Senate, MIKE has demonstrated a commitment to those with muted voices in our political system, including small business owners, veterans, those impaired by mental illness and most certainly America's farmers and ranchers.

In the Senate, MIKE's leadership and bipartisan efforts to repeal purposeless tax reporting requirements in ObamaCare, his championing new trade agreements, and his contribution to the development and final passage of a new farm bill this year all describe a strong conservative legislator committed to stimulating economic growth through reduced government spending, lower tax rates, and reduced regulatory burdens on American business.

I have appreciated MIKE's partnership on key legislation, including his joining me to cosponsor the bipartisan Congressional Accountability and Line-Item Veto Act of 2009. During the 112th Congress, we were both cosponsors of the Foreign Earnings Reinvestment Act, a bipartisan effort to let corporations reinvest earnings kept overseas by our high corporate tax rates back into the American economy.

I was also proud to join MIKE as an original cosponsor of his bill, the Two-Year Regulatory Freeze Act of 2011, which sought to give the American economy a much needed reprieve to burdensome and confusing Federal regulations that frequently hinder economic growth. MIKE was also an original cosponsor of the Jobs Through Growth Act, and many others.

I am also grateful that he joined in helping replenish the Forest Service's aging air tanker fleet. A decade ago the Forest Service had roughly 40 large air tankers to fight wildfires that burned millions of acres of land across Western States, including Nebraska and Arizona.

Today they own eight large air tankers. Senator JOHANNNS and I saw an opportunity to transfer several excess Department of Defense aircraft to the Forest Service to temporarily address this shortage, and that has happened.

While MIKE and I have had disagreements along the way, I have always respected his knowledge and experience as a farmer, foreign trade expert, and the Nation's former Agriculture Secretary.

I am proud of the areas where we agree: reining in certain farm subsidy programs, advocating for free trade agreements with Colombia, Panama, and South Korea, and even working together to kill the proposed USDA catfish office—a little known \$15 million program inside the last farm bill that we both highlighted as wasting taxpayer money and that, from a trade perspective, was negatively impacting our cattlemen and soy farmers.

We also agree on the need to help returning veterans seeking to reenter the workforce as beginning farmers, an effort he championed in our last farm bill. I have long applauded Senator JOHANNNS for calling on Congress to pass laws to stop farm subsidies from going to millionaires while he was a sitting Secretary of Agriculture.

As much as I respect the substance of MIKE's accomplishments in public service, I have valued how he has achieved them with a quiet, purposeful dignity and, indeed, a vibrant sense of humor. He has never been opposed to bipartisan cooperation whenever it is needed to further the interests of his constituents or the greater Nation.

For these reasons, his approach to governance in legislating has earned him the respect of colleagues and constituents across the political continuum. It should also serve as an example to all of us in this body who remain behind.

In an email MIKE wrote to his friends last February announcing his decision not to seek reelection in 2014, MIKE wrote: "With everything in life, there is a time and a season."

Well, to my friend and valued colleague, MIKE JOHANNNS, I bid fair winds and following seas in all that he and his lovely wife Stephanie do, and I thank him for his service and his friendship.